

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 19, 2003**

The Tippecanoe County Commissioners met on Wednesday, February 19, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the January 30, 2003 Special Meeting and the February 3, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

Commissioners' Assistant Weston recommended approval with the exception of the Voucher to Arni's in the amount of \$23.53 because it needs clarification and the Voucher to Southern District Clerk's Association in the amount of \$40.00 by request of the Clerk.

- Commissioner Knochel moved to approve the Accounts Payable Vouchers with the two exceptions noted, seconded by Commissioner Shedd; motion carried.

COMMUNITY CORRECTIONS: Director Pat Scowden

LETTER OF ENDORSEMENT

Mr. Scowden requested the Commissioners' signatures on the Letter of Endorsement for Community Corrections' 2 year Grant Proposal to the Department of Corrections. The first year's application is in the approximate amount of \$710,000 and the second years' application is in the approximate amount of \$672,000.

- Commissioner Shedd moved to approve the 2 year Grant Proposal and provide support for the application by signing the Letter of Endorsement, seconded by Commissioner Knochel; motion carried.

LETTER OF APPOINTMENT

The Commissioners were asked to sign a letter stating Pat Scowden was appointed as the new Director of Community Corrections on January 22, 2003. Mr. Scowden was selected to succeed Dave Kuebler who retired December 31, 2002.

- Commissioner Shedd moved to approve the Letter of Appointment for new Director Pat Scowden, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2003-01-CM: Z-2081, MIDA Development Group, LLC R1 to R3

- Commissioner Shedd moved to hear Ordinance 2003-01-CM, seconded by Commissioner Knochel.

(quote)

December 19, 2002
Ref. No.- 02-754

Tippecanoe County Commissioners

20 North Third Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2081-MIDA DEVELOPMENT GROUP, LLC (R1 TO R3):** Petitioner is requesting the rezoning of 20.3894 acres located on the north side of Lindberg Road just east of McCormick, Wabash 12 (SW) 23-5. CONTINUED FROM THE OCTOBER MEETING. (SECOND CONTINUANCE.)

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 18, 2002, the Area Plan Commission of Tippecanoe County voted 3 yes - 11 no on the motion to rezone the subject real estate from R1 TO R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 6, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

The full text of Ordinance 2003-01-CM will appear in the Ordinance and Resolution Book in the County Auditor's Office.

Representing the petitioner, Attorney Joe Bumbleburg stated zoning is not only for the present but for the future and lead time is important. The petitioner is requesting a zoning change from R1 to R3 for 20.3 acres that has utilities in place, road structures in progress, and bus transportation available. Mr. Bumbleburg said prior development in the area should not affect this development. The petitioner builds communities and this is no longer a rural area.

SPEAKERS IN FAVOR

Bob Watson, 1400 Kingswood Rd., W. Laf.
Jay Owen, 327 Forest Hill Dr., W. Laf.
Don Windler, Winco Construction
Bill Wyatt, Wyatt Communications
Mark Redding, Redding Builders
Rick Laurie, 3379 Putnam St., W. Laf.
Pat Cunningham, Vester & Associates
Chad Pitt, 630 Central Ave., Laf.

Mike Francis, 1906 Bayberry Ln., W. Laf.
Terry Dillon, Atlas Excavating
Paul Spacco, Willowbrook Apts., W. Laf.
David Sommers, restaurant owner
Eugene Lewis, 1722 N 15th St., Laf.
Mandy Renner
Tom Morland, Real Estate Consultant
Tom Gillen, 910 Sunrise Ave.

SPEAKERS IN OPPOSITION

James Williams, 2241 Sandpiper Ct. N, W. Laf.
Robert Eskew, 2221 Sandpiper Co. N, W. Laf.
Carl Snow, 1909 Willet Ct., W. Laf.

Laszlo Kovacs, 1709 Sandpiper Ct. S, W. Laf.
Betty Nelson, 102 Hideaway Ln, W. Laf.
Richard Nelson, 102 Hideaway Ln, W. Laf.

Bob Watson: Insurance agent for the developer said his church moved to this remote location before any

development occurred in the area. Mr. King will build this development right and it will be an improvement to the area. Mr. Watson welcomes the jobs the development will bring and the additional property tax that will be generated.

Mike Francis: A member of the West Lafayette Police Department and hired by Mr. King to patrol the area, Mr. Francis said Wabash Township's purchase of a new fire engine and the addition of its first paid firefighter were made possible by development in the area. He said Mr. King is devoted to public safety.

Jay Owen: A friend of Mr. King, Mr. Owen and his family live on the northern edge of student housing. He said he doesn't object to students but, if they move out of rentals in his neighborhood, those houses can revert to single family housing and improve the city. Density in the proposed development is a concern but the development is a legitimate economic enterprise to offer housing. In his opinion, multi family housing is the best use for this land.

Terry Dillon: With a completion goal of July 2003, Atlas Excavating is currently working to expand Lindberg road to four lanes that Mr. Dillon thinks will handle the traffic quiet well. In his opinion, Mr. King is quality conscious.

Don Windler: Economic development is needed for local construction workers.

Paul Spacco: As a Purdue student, Mr. Spacco said this is a prime location for student housing. Mr. King provides quality housing that is well maintained for a reasonable rent.

Bill Wyatt: With 10 employees his company currently provides phone service to Willowbrook. If this project is approved, he said he could add approximately 12 employees.

David Sommers: As owner of a restaurant that primarily serves students, he said development in this area would make his business more profitable since it is close to his restaurant.

Mark Redding: With local layoffs, this project will help keep people working.

Eugene Lewis: Housing for students near campus is not good quality. He thinks this development should increase the quality of living at a reasonable price.

Rick Laurie: One strength of the Lafayette area is the ability to continue to grow which adds to the local economy. He said Mr. King employs local subcontractors in his developments.

Mandy Renner: Mr. King has helped students with living arrangements. Willowbrook Apartment Complex has nice amenities.

Pat Cunningham: A partner with Mr. King on several other projects, Mr. Cunningham said he has many employees today because of Mr. King. He said this type of development creates a better economy by increasing the tax base and adding employment. He believes infrastructure is at this location because of Mr. King. Because this property is surrounded by multi-family housing, Mr. Cunningham doesn't think R1 is appropriate. He said Mr. King has a commitment to Purdue and the community.

Tom Morland: Mr. Morland has a lot of experience with student housing and Willowbrook is a friendly community. Single family housing does not fit on this location.

Chad Pitt: He works for Mr. King. He said taxes are low here and he want to continue that by letting the economy determine growth.

Tom Gillen: As one of Mr. King's employees for the past 15 months, he thinks this development will help continue employment for the community.

James Williams: Stating the support for this rezone was well orchestrated, he said the economy will not suffer if this request is denied. He noted no one in favor, except students, live next door to the proposed development.

Because Purdue is no longer providing new housing, the community has been forced to house students. If 1000 units are constructed, approximately 10% of the student population could be housed there. He said the quality of life in the area has deteriorated since Willowbrook was constructed. He advocated a zoning between R1 and R3.

Laszlo Kovacs: The quality of life in the area is diminishing because of speeding, noise pollution, and inadequate infrastructure and signalization. More student housing will cause property values to decrease.

Robert Eskew: He travels McCormick Lane daily and backups in traffic are already a common occurrence. He doesn't believe improvements to Lindberg Road will alleviate traffic. He believes Willowbrook has adversely impacted surrounding neighborhoods.

Betty Nelson: She doesn't think R1 is appropriate for this property but R3 is questionable. To control the numbers, she suggested constructing a planned development that compliments the surrounding community.

Carl Snow: He is not opposed to students but wants intelligent development. He suggested trying to find a middle ground.

Richard Nelson: He believes this property should remain R1 which is the same as Blackbird Farms. He said the University is considering reducing enrollment rather than encouraging growth. Expressing concern regarding traffic and safety of the residents, he estimated 350 units could mean 900 to 1000 students or 3,000 to 4,000 trips per day.

Since Mr. Bumbleburg had another commitment, Loren King, Mr. King's son, conducted the rebuttal. He said they have spoken with virtually all of the neighbors, and he thinks the issues can be worked through. Although the residents in the apartments are transient, he said the Kings are not.

Commissioner Knochel said the Kings have done their homework and talked to the people, but he thinks the two groups need to compromise. Commissioner Shedd responded that the two groups have met and the differences remain.

President Benson suggested coming back with a proposal for less units because she thinks 1000 is a lot.

Mr. King responded that they don't have a plan now, but they are not going to build beyond the market. R3 zoning will provide flexibility, but he said they are willing to put in writing today that they will not build more than 80% of Willowbrook.

Attorney Luhman interjected that the Commissioners cannot condition their approval.

Mr. Kovacs said the road system needs a long range plan.

County Highway Executive Director Mark Albers said the 2004 Transportation Improvement Plan includes McCormick Lane and Lindberg Road west.

Mrs. Nelson asked Attorney Luhman if Mr. King's written commitment to build only 80% of Willowbrook's occupancy would stay with the property if it is sold. Attorney Luhman responded that it could be written either way.

Auditor Plantenga recorded the following vote:

KD Benson	No
Ruth Shedd	No
John Knochel	No

- The motion to approve Ordinance 2003-01-CM failed 3 – 0.

HIGHWAY: Executive Director Mark Albers

2003 FEE SCHEDULE: H. Stewart Kline & Associates, Inc.

Mr. Albers requested approval of the 2003 Fee Schedule proposed by Kline for professional services rendered for small, miscellaneous engineering and architectural projects where a formal contract for services is not appropriate.

- Commissioner Shedd moved to approve the proposed 2003 Fee Schedule for H. Stewart Kline & Associates, Inc., seconded by Commissioner Knochel; motion carried.

CHANGE ORDERS: 2002 Bridge Rehabilitation Project

Mr. Albers submitted Change Orders for the 2002 Bridge Rehabilitation Project for irregularities to approaches to bridges. Change Order #1, in the amount of \$11,028.83, and Change Order #2, in the amount of \$8,464.12, increases the total contract 3% to a total amount of \$639,000.78.

- Commissioner Shedd moved to approve Change Orders #1 and #2 for the 2002 Bridge Rehabilitation Project, seconded by Commissioner Knochel; motion carried.

STREET ACCEPTANCE: Wildcat Valley Estates, Ph VI**LETTER OF CREDIT: #508: Baumco, Inc.**

Mr. Albers recommended acceptance of the following streets located in Wildcat Valley Estates Ph VI:

Shady Creek Drive 881.85' Concrete
Tiffany Court 552.03' Concrete

- Commissioner Shedd moved to accept the Streets in Wildcat Valley Estates Ph VI as presented into the County Highway System and Letter of Credit #508 in the amount of \$13,731 for Baumco, Inc., seconded by Commissioner Knochel; motion carried.

STREET ACCEPTANCE: Saddlebrook Estates SD Ph 3, Pt 2**SUBDIVISION STREET MAINTENANCE BOND: A & K Construction, Inc.**

Mr. Albers recommended acceptance of the following streets located in Saddlebrook Estates SD Ph 3, Pt 2:

Trackside Drive 1,106.57' Asphalt
North Wilmington Lane 509.17' Asphalt
Equestrian Drive 674.14' Asphalt

- Commissioner Shedd moved to accept the Streets in Saddlebrook Estates SD Ph 3, Pt 2 as presented into the County Highway System and 3 year Subdivision Street Maintenance Bond #5847854 in the amount of \$22,500 for A & K Construction, Inc., seconded by Commissioner Knochel; motion carried.

WARRANTY DEED: Bridge #44 Project

Mr. Albers submitted for acceptance the following Warranty Deed for the Bridge #44 Project for Right-of Way on CR 450 E:

Key #144-02700-0084: Parcel #1:

A part of the E ½ of the NW ¼ of Sec 24, Twp 22 N, R 4 W, Wea Twp., from
William C. Moore, Personal Representative of the Estate of Florence K.
Moore.

- Commissioner Shedd moved to accept the Warranty Deed for the Bridge #44 Project, seconded by Commissioner Knochel; motion carried.

CONTINUATION CERTIFICATE: Milestone Contractors, L.P.

- Commissioner Shedd moved to accept Continuation Certificate attached to Bond #31013010337921 400LT3286 in the amount of \$5,000 for Milestone Contractors, L.P. for work in the right-of-way, seconded by Commissioner Knochel; motion carried.

BID DATE: CR 430 S

Mr. Albers announced Bids are scheduled to be opened on Monday, April 17, 2003 for the CR 430 S Reconstruction Project between South 9th and South 18th Streets. This project will entail constructing curbs, gutters, and sidewalks. Most of the right-of-way is secured for the estimated \$1 million project. He also requested the appointment of three (3) persons to a Common Wage Board for the project.

CERTIFICATES OF INSURANCE

- ♦ Acuity, A Mutual Insurance Co., Accident Fund Insurance Co. of Ameri, General Accident Ins Co of America for Baumgartner & company, Ind. d/b/a Baumgartner Asphalt Inc
- ♦ Capitol Indemnity Corporation for Millennium Home Construction
- ♦ Western Reserve Mutual Casualty Co for DePew's Concrete Inc DBA S.R.S. Concrete
- ♦ Indiana Insurance Group for Skyline Corporation of Lafayette DBA Steve Connors Homes
- ♦ Central Insurance Companies, Lancer Insurance Company, Accident Fund Company, Northland Insurance Co for Smith's Specialized Heavy Hauling Inc
- ♦ Amerisure Mutual Insurance Company, National Union Fire Insurance Company, Fireman's Fund Insurance Company for Atlas Excavating, Inc.
- ♦ Acuity Insurance Company for Structure Contractors, Inc.
- ♦ Central Insurance Company, Northland Insurance Company for All-Sets, Inc.
- ♦ Cincinnati Insurance Co, Accident Fund Company for JBD Builders Inc
- ♦ HBW Insurance Services, LLC, Travelers Indemnity Co of IL for H T Homes, Inc.
- ♦ Central Insurance Companies, Lancer Insurance Company, Accident Fund Company, Northland Insurance Co for Smith's Specialized Heavy Hauling Inc
- ♦ Cincinnati Insurance for Coors Home Builders, Inc
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Tri Esco Inc
- ♦ HBW Insurance Services, LLC, Travelers Indemnity Co of IL for HT Homes, Inc
- ♦ Westfield Companies for T.K. Constructors Inc
- ♦ Cincinnati Insurance Co, Cincinnati Insurance Co for Bennetts Greenhouse Inc
- ♦ National Indemnity Company for Max Stonebraker DBA Stonebraker Transit
- ♦ Cincinnati Insurance Company for GPD Services, Inc
- ♦ Indiana Farmers Mutual Ins. Co for Indiana Farm Systems, Inc.

PUBLIC HEARING: Ordinance 2003-05-CM: Petition to Vacate a Portion of a Public Way: Old Eisenhower Road (Continued from February 3, 2003)

Representing Jack Wilhelm who is requesting the vacation, Attorney Matt McQueen reported there is evidence from a prior Commissioners' Meeting held in 1987 that a request to vacate this portion of the road was approved but there is no ordinance on record.

Attorney Luhman explained that the Commissioners did vote to vacate this portion of the road from Mr. Wilhelm's property line to I-65 on March 2, 1987 and Ordinance 87-05-CM was referenced. However, since this Ordinance was never signed by the Commissioners, the road was not vacated.

Neighbor Charles Hockema expressed concern regarding turn-around space for large vehicles such as garbage trucks and County-owned snow removal trucks. He said they currently have Mr. Wilhelm's permission to turn around on his property but that might not continue if the road is vacated.

Highway Executive Director Mark Albers said a turn-around is essential and additional right-of-way may have to be acquired if there is insufficient room. He said the County Highway Department can downsize the snow

removal equipment to prevent entering anyone's property. County Highway Engineer Tim Wells thought acquiring additional right-of-way would be an unnecessary cost since there is already a 40' right-of-way.

When Mr. Hockema wanted to know the intended use for Mr. Wilhelm's property, President Benson responded that is a rezoning question and the Commissioners are only being asked to approve the Vacation today.

- Commissioner Shedd moved to approve Ordinance 2003-05-CM, on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-05-CM on first reading passed 3 – 0.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-05-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2003-05-CM on second reading passed 3 – 0.

➔ Commissioner Knochel left the meeting.

CARY HOME: Director Rebecca Humphrey

Mrs. Humphrey requested approval of the Advisory Board Packet. It includes a new Mission Statement, a roster of Board members plus some operational changes for the Board.

- Commissioner Shedd moved to approve the Cary Home Advisory Board Packet, seconded by Commissioner Benson; motion carried.

COVERED BRIDGE CERTIFICATION: Highway Executive Director Mark Albers

Mr. Albers requested approval of the certification that Tippecanoe County has no covered bridges.

- Commissioner Shedd moved to approve the Covered Bridge Certification, seconded by Commissioner Benson; motion carried.

AGREEMENT: Tippecanoe County Humane Society, Inc.

This Agreement with the Humane Society is for the sheltering and disposal of animals within the unincorporated areas of Tippecanoe County. The Agreement is in effect from January 2003 through December 2003 in the amount of \$42,392.88 which is consistent with the budgeted amount.

- Commissioner Shedd moved to approve the Agreement with the Humane Society, seconded by Commissioner Benson; motion carried.

UNFINISHED BUSINESS

President Benson reported that she, Attorney Luhman, Sheriff Anderson, Highway Director Albers, and Tippecanoe School Corporation Administrators met with Stratford Glen Subdivision residents last evening to hear their concerns because some McCutcheon High School students are parking in the entrance to the Subdivision. In addition to impairing sight vision when exiting the Subdivision, their vehicles are crowding the entrance and could make it difficult for school buses and emergency vehicles to enter. Since these streets are maintained by the County, the residents are asking the Commissioners to restrict parking. President Benson said school officials agreed to talk to the students about being good neighbors with residents.

Mr. Albers said students parking close to old US 231 is interfering with sight distance, but he is afraid signage to restrict parking in that area will cause the students to park further back in the Subdivision. Students walking across old US 231 is another safety issue, but they can't paint a crosswalk without sidewalks on both ends.

Sheriff Anderson expressed concern that students will begin parking in other neighboring subdivisions if restrictions are added in Stratford Glen. He said it might help to limit parking in all neighboring subdivisions to certain hours. He explained the students are parking in the Subdivision because student drivers who park on school grounds are subject to random drug testing.

Attorney Luhman advised that the Commissioners can't say "no student parking" but they can establish parking restrictions during school hours on subdivision streets. Another option might be to restrict parking within a certain distance of the school if it interferes with school buses due to narrow streets. He suggested issuing residential permits as another option. If the Commissioners want to add signage, that could be included in the County's Sign Ordinance.

Mr. Albers volunteered to research how other communities have handled this type of situation.

REPORTS

Reports from the Treasurer, Veterans Affairs, Legal Aid, and Mail & Duplicating are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor